

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

Date Filed

14-CA-227644

9/12/18

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Stange Law Firm, PC

b. Tel. No.

(314) 963-4700

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)

120 S Central Ave Ste 450
MO Saint Louis 63105-1730

e. Employer Representative

g. e-Mail

h. Number of workers employed
40

i. Type of Establishment (factory, mine, wholesaler, etc.)
Legal

j. Identify principal product or service
Family Law Representation

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

RECEIVED
NLRB REGION 14
2018 SEP 12 PM 12:41
SAINT LOUIS, MO 63103

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

Title:

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(signature of representative or person making charge)

Title: (Print/type name and title or office, if any)

Address (b) (6), (b) (7)(C)

09/12/2018 12:15:11
(date)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-Mail

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2017

8(a)(1)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	lawsuit	Ongoing
John Does, et al.	lawsuit	Ongoing
(b) (6), (b) (7)(C)	lawsuit	Ongoing

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prohibit employees from discussing wages, hours, or other terms or conditions of employment.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlrb.gov
Telephone: (314)539-7770
Fax: (314)539-7794



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September 20, 2018

Stange Law Firm, PC
120 S Central Ave, Ste 450
Saint Louis, MO 63105-1730

Re: Stange Law Firm, PC
Case 14-CA-227644

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney BRADLEY A. FINK whose telephone number is (314)449-7481. If this Board agent is not available, you may contact Supervisory Attorney LUCINDA L. FLYNN whose telephone number is (314)449-7482.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leonard J. Perez", with a large, stylized flourish at the end.

LEONARD J. PEREZ
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlrb.gov
Telephone: (314)539-7770
Fax: (314)539-7794



Download
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September 20, 2018

(b) (6), (b) (7)(C)

Re: Stange Law Firm, PC
Case 14-CA-227644

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on September 12, 2018 has been docketed as case number 14-CA-227644. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney BRADLEY A. FINK whose telephone number is (314)449-7481. If this Board agent is not available, you may contact Supervisory Attorney LUCINDA L. FLYNN whose telephone number is (314)449-7482.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to

take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Qualifying for Backpay: We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying

resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leonard J. Perez", with a large, stylized flourish at the end.

LEONARD J. PEREZ
Regional Director

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
14-CA-227644	3/7/19

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Stange Law Firm, PC		b. Tel. No. (314)963-4700
		c. Cell No.
d. Address (street, city, state ZIP code) 120 S Central Ave, Ste 450, Saint Louis, MO 63105-1730	e. Employer Representative	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Saint Louis, MO
i. Type of Establishment (factory, nursing home, hotel) Law Firm	j. Principal Product or Service Legal Services	k. Number of workers at dispute location 40

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since at least March 13, 2018, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining a non-disparagement clause that interferes with protected rights.

At all material times, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining lawsuits seeking to enforce the unlawful non-disparagement clause.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.**4d. Fax No.****4e. e-Mail**

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

By:

(b) (6), (b) (7)(C)

(signature of representative or person making charge)

Print Name and Title

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.**Fax No.****e-Mail**

(b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C)

Date:

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlrb.gov
Telephone: (314)539-7770
Fax: (314)539-7794



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March 11, 2019

(b) (6), (b) (7)(C)

Re: Stange Law Firm, PC
Case 14-CA-227644

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney BRADLEY A. FINK whose telephone number is (314)449-7481. If the agent is not available, you may contact Supervisory Attorney LUCINDA L. FLYNN whose telephone number is (314)449-7482.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains

the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leonard J. Perez", with a large, stylized flourish at the end.

LEONARD J. PEREZ
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlrb.gov
Telephone: (314)539-7770
Fax: (314)539-7794



Download
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Mobile App

March 11, 2019

Stange Law Firm, PC
120 S Central Ave, Ste 450
Saint Louis, MO 63105-1730

Re: Stange Law Firm, PC
Case 14-CA-227644

Dear Sir or Madam:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney BRADLEY A. FINK whose telephone number is (314)449-7481. If the agent is not available, you may contact Supervisory Attorney LUCINDA L. FLYNN whose telephone number is (314)449-7482.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

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Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable

electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leonard J. Perez", with a large, stylized flourish at the end.

LEONARD J. PEREZ
Regional Director

Enclosure: Copy of first amended charge

cc: THOMAS O. MCCARTHY, Attorney
McMahon Berger, P.C.
2730 North Ballas Road
Suite 200
Saint Louis, MO 63131-3039

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14**

STANGE LAW FIRM, PC

and

Case 14-CA-227644

(b) (6), (b) (7)(C) [REDACTED], an Individual

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by (b) (6), (b) (7)(C), [REDACTED], an Individual (Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Stange Law Firm, PC (Respondent) has violated the Act as described below.

1

A. The charge in this proceeding was filed by the Charging Party on September 12, 2018, and a copy was served on Respondent by U.S. mail on September 20, 2018.

B. The amended charge in this proceeding was filed by the Charging Party on March 7, 2019, and a copy was served on Respondent by U.S. mail on March 11, 2019.

2

A. At all material times, Respondent has been a Missouri professional corporation with a main office and place of business in Clayton, Missouri, with various other satellite offices located in Missouri, Illinois, and Kansas, and has been operating a law firm.

B. In conducting its operations during the 12-month period ending February 28, 2019, Respondent derived gross revenues in excess of \$250,000.

C. During the period of time described above in paragraph 2B, Respondent performed services valued in excess of \$50,000 in States other than the State of Missouri.

D. During the period of time described above in paragraph 2B, Respondent purchased and received at its Clayton, Missouri, facility products, goods, and materials valued in excess of \$5,000 directly from points outside the State of Missouri.

E. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)

4

A. At all material times since March 13, 2018, Respondent has maintained the following provision in all employment contracts with both new and current employees:

During and after Employee's employment or association with Law Firm ends, for any reason, Employee will not in any way criticize, ridicule, disparage, libel, or slander Law Firm, its owners, its partners, or any Law Firm employees, either orally or in writing. However, nothing in this Section 3.2 shall be deemed to limit or

prohibit Employee from engaging in concerted group activity and communications with co-employees to try to improve his or her working conditions, as provided under Section 7 of the National Labor Relations Act.

B. When reasonably interpreted, the rule described in paragraph 4A restricts core activities protected by Section 7 of the Act.

5

By the conduct described above in paragraph 4A, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

6

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before April 2, 2019 or postmarked on or before April 1, 2019.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users

that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **June 25, 2019, at 10:00 a.m. located at 1222 Spruce Street, Room 8.302, St. Louis, MO 63103-2829**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The

procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: March 19, 2019



Leonard J. Perez, Regional Director
National Labor Relations Board, Region 14
1222 Spruce St
Room 8.302
Saint Louis, MO 63103-2829

Attachments

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14**

STANGE LAW FIRM, PC.,)	
)	
Respondent Employer,)	
)	
And)	Case 14-CA-227644
)	
(b) (6), (b) (7)(C))	
an Individual.)	

ANSWER TO COMPLAINT AND NOTICE OF HEARING

COMES NOW Respondent Employer, STANGE LAW FIRM, PC, by and through its undersigned counsel, and for its Answer to Complaint and Notice of Hearing states as follows:

1.

(a) Respondent admits the allegations contained in Paragraph 1(a) of the Complaint and Notice of Hearing.

(b) Respondent admits the allegations contained in Paragraph 1(b) of the Complaint and Notice of Hearing.

2.

(a) Respondent admits the allegations contained in Paragraph 2(a) of the Complaint and Notice of Hearing.

(b) Respondent admits the allegations contained in Paragraph 2(b) of the Complaint and Notice of Hearing.

(c) Respondent admits the allegations contained in Paragraph 2(c) of the Complaint and Notice of Hearing.

(d) Respondent admits the allegations contained in Paragraph 2(d) of the Complaint and Notice of Hearing.

(e) Respondent admits the allegations contained in Paragraph 2(e) of the Complaint and Notice of Hearing.

3.

Respondent admits the allegations contained in Paragraph 3 of the Complaint and Notice of Hearing with the clarification (b) (6), (b) (7)(C) correct title is (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) has held the position of (b) (6), (b) (7)(C) since on or about February 5, 2018.

4.

(a) Respondent denies that it has maintained the quoted provision in any employment contract with either new or current employees at any time since approximately November 7, 2018 to date. Further answering, Respondent admits the quoted provision was included in its employment contracts during the period March 13, 2018 to on or about November 7, 2018.

(b) Respondent denies each of the allegations contained in Paragraph 4(b) of the Complaint and Notice of Hearing

5.

Respondent denies each of the allegations in Paragraph 5 of the Complaint and Notice of Hearing.

6.

Respondent denies each of the allegations in Paragraph 6 of the Complaint and Notice of Hearing.

GENERAL DENIAL

Respondent denies each and every allegation of the Complaint and Notice of Hearing not specifically admitted herein.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The Complaint and Notice of Hearing and each purported claim for relief as stated herein failed to allege facts sufficient to state a claim upon which relief may be granted.

SECOND DEFENSE

Respondent denies that the Charging Party is entitled to any relief requested in the Complaint and Notice of Hearing, as well as any amendments thereto.

THIRD DEFENSE

At all times relevant hereto, Respondent acted in good faith and had reasonable grounds for believing the language in the provision cited in Paragraph 4(a) of the Complaint and Notice of Hearing was not in violation of the National Labor Relations Act.

FOURTH DEFENSE

The provision cited in Paragraph 4(a) of the Complaint and Notice of Hearing is a lawful rule because the rule when reasonably interpreted does not prohibit or interfere with the exercise of rights guaranteed by the Act.

FIFTH DEFENSE

The provision cited in Paragraph 4(a) of the Complaint and Notice of Hearing is a lawful rule because the potential adverse impact on protected rights is outweighed by the business justifications associated with the rule.

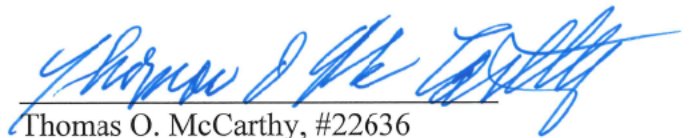
SIXTH DEFENSE

The provision cited in Paragraph 4(a) of the Complaint and Notice of Hearing is a lawful rule which has never been used to discipline active employees.

WHEREFORE, for the reasons set forth above, Respondent respectfully submits the Complaint and Notice of Hearing be dismissed in its entirety. The instant case and any litigation associated with it does not effectuate the purposes of the Act, and further proceedings are not warranted.

Respectfully submitted,

McMAHON BERGER, P.C.



Thomas O. McCarthy, #22636
2730 North Ballas Road, Suite 200
St. Louis, Missouri 63131-3039
(314) 567-7350 - Telephone
(314) 567-5968 - Facsimile
mccarthy@mcmahonberger.com

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of April, 2019, a true and correct copy of the above document was filed via electronically on the Board's website with the following individuals:

Leonard J. Perez, Regional Director
National Labor Relations Board, Region 14
1222 Spruce St.
Room 8.302
St. Louis, MO 63103-2829



CERTIFICATE OF SERVICE

I hereby certify that I have on this 1st day of April, 2019, served a true and correct copy of the foregoing by depositing same with the United States Postal Service, first class, postage prepaid upon the following:

(b) (6), (b) (7)(C)

[Redacted address block]



**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14**

STANGE LAW FIRM, PC

and

Case 14-CA-227644

(b) (6), (b) (7)(C) [REDACTED], an Individual

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter is rescheduled from June 25, 2019 at 10:00 a.m. to 10:00 a.m. on **August 20, 2019** at the Hearing Room, located at 1222 Spruce Street, Room 8.302, St. Louis, MO 63103-2829. The hearing will continue on consecutive days until concluded.

Dated: May 28, 2019

/S/

LEONARD J. PEREZ, REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 14
1222 SPRUCE ST., ROOM 8.302
SAINT LOUIS, MO 63103-2829

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14**

STANGE LAW FIRM, PC.,)	
)	
Respondent Employer,)	
)	
And)	Case 14-CA-227644
)	
(b) (6), (b) (7)(C))	
an Individual.)	

AMENDED ANSWER TO COMPLAINT AND NOTICE OF HEARING

COMES NOW Respondent Employer, STANGE LAW FIRM, PC, by and through its undersigned counsel, pursuant to § 102.23 of the National Labor Relations Board's Rules and Regulations, and for its Amended Answer to Complaint and Notice of Hearing states as follows:

1.

(a) Respondent admits the allegations contained in Paragraph 1(a) of the Complaint and Notice of Hearing.

(b) Respondent admits the allegations contained in Paragraph 1(b) of the Complaint and Notice of Hearing.

2.

(a) Respondent admits the allegations contained in Paragraph 2(a) of the Complaint and Notice of Hearing.

(b) Respondent admits the allegations contained in Paragraph 2(b) of the Complaint and Notice of Hearing.

(c) Respondent admits the allegations contained in Paragraph 2(c) of the Complaint and Notice of Hearing.

(d) Respondent admits the allegations contained in Paragraph 2(d) of the Complaint and Notice of Hearing.

(e) Respondent admits the allegations contained in Paragraph 2(e) of the Complaint and Notice of Hearing.

3.

Respondent admits the allegations contained in Paragraph 3 of the Complaint and Notice of Hearing with the clarification (b) (6), (b) (7)(C) correct title is (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) has held the position of (b) (6), (b) (7)(C) since on or about February 5, 2018.

4.

(a) Respondent denies the quoted provision was included in any employment contracts for any new employees hired at any time since approximately December 2016 to date. Further answering, Respondent denies that it has maintained the quoted provision in any employment contract with any employee at any time since approximately November 7, 2018 to date. Further answering, Respondent admits that while there may have been a few longer service employees hired prior to December 2016 with the quoted provision in their employment contract, it never disciplined any such employees prior to November 7, 2018 when any remaining active employees with the quoted provision in their employment contract entered into new agreements with new language. Further answering, all remaining allegations advanced in Paragraph 4(a) of the Complaint and Notice of Hearing are denied.

(b) Respondent denies each of the allegations contained in Paragraph 4(b) of the Complaint and Notice of Hearing

5.

Respondent denies each of the allegations in Paragraph 5 of the Complaint and Notice of Hearing.

6.

Respondent denies each of the allegations in Paragraph 6 of the Complaint and Notice of Hearing.

GENERAL DENIAL

Respondent denies each and every allegation of the Complaint and Notice of Hearing not specifically admitted herein.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The Complaint and Notice of Hearing and each purported claim for relief as stated herein failed to allege facts sufficient to state a claim upon which relief may be granted.

SECOND DEFENSE

Respondent denies that the Charging Party is entitled to any relief requested in the Complaint and Notice of Hearing, as well as any amendments thereto.

THIRD DEFENSE

At all times relevant hereto, Respondent acted in good faith and had reasonable grounds for believing the language in the provision cited in Paragraph 4(a) of the Complaint and Notice of Hearing was not in violation of the National Labor Relations Act.

FOURTH DEFENSE

The provision cited in Paragraph 4(a) of the Complaint and Notice of Hearing is a lawful rule because the rule when reasonably interpreted does not prohibit or interfere with the exercise of rights guaranteed by the Act.

FIFTH DEFENSE

The provision cited in Paragraph 4(a) of the Complaint and Notice of Hearing is a lawful rule because the potential adverse impact on protected rights is outweighed by the business justifications associated with the rule.

SIXTH DEFENSE

The quoted provision is a lawful rule with an explicit disclaimer or savings clause which expressly addresses and protects Section 7 rights.

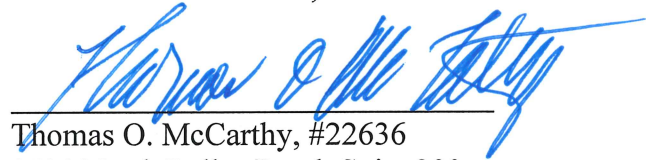
SEVENTH DEFENSE

The provision cited in Paragraph 4(a) of the Complaint and Notice of Hearing is a lawful rule which has never been used to discipline active employees.

WHEREFORE, for the reasons set forth above, Respondent respectfully submits the Complaint and Notice of Hearing be dismissed in its entirety. The instant case and any litigation associated with it does not effectuate the purposes of the Act, and further proceedings are not warranted.

Respectfully submitted,

McMAHON BERGER, P.C.



Thomas O. McCarthy, #22636
2730 North Ballas Road, Suite 200
St. Louis, Missouri 63131-3039
(314) 567-7350 - Telephone
(314) 567-5968 - Facsimile
mccarthy@mcmahonberger.com

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of June, 2019, a true and correct copy of the above document was filed via electronically on the Board's website with the following individuals:

Leonard J. Perez, Regional Director
National Labor Relations Board, Region 14
1222 Spruce St.
Room 8.302
St. Louis, MO 63103-2829

A handwritten signature in blue ink, appearing to read "Leonard J. Perez", written over a horizontal line.

CERTIFICATE OF SERVICE

I hereby certify that I have on this 7th day of June, 2019, served a true and correct copy of the foregoing by depositing same with the United States Postal Service, first class, postage prepaid upon the following:

(b) (6), (b) (7)(C)

A handwritten signature in blue ink, appearing to read "Thomas J. McTigue", written over a horizontal line.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14**

STANGE LAW FIRM, PC.,)	
)	
Respondent Employer,)	
)	
And)	Case 14-CA-227644
)	
(b) (6), (b) (7)(C))	
an Individual.)	

RESPONDENT’S REQUEST FOR APPOINTMENT OF SETTLEMENT JUDGE

COMES NOW Respondent, Stange Law Firm, PC (“Respondent”), by its attorneys, pursuant to § 102.35(b) of the Rules and Regulations of the National Labor Relations Board, and requests that a Settlement Judge be appointed in this matter. In support of its request, Respondent states as follows:

1. On March 19, 2019, Region 14 of the National Labor Relations Board issued a Complaint and Notice of Hearing.
2. The Complaint alleges Respondent has violated Section 8(a)(1) by maintaining a non-disparagement provision in its employment contracts with employees.
3. The hearing in this case is currently set for August 20, 2019.
4. After the Region’s issuance of the Complaint, Respondent and Region 14 have continued to engage in settlement discussions.
5. The Region has forwarded to Respondent’s counsel an informal Settlement Agreement.
6. Because of differences regarding the contents of the Settlement Agreement, including the Notice to Employees, the parties have been unable to reach settlement.

7. This case does not involve back pay nor is any back pay properly sought.
8. Respondent believes that, with the assistance of a Settlement Judge, resolution of this dispute is possible.
9. The assignment of a Settlement Judge is feasible because the hearing in this matter is not set until August 20, 2019. Successful settlement discussions at this stage of the matter in advance of the hearing date will, therefore, conserve administrative resources.
10. This request is made in good-faith and will not hinder the timely resolution of this matter.
11. Accordingly, for good cause shown, the undersigned respectfully requests that a Settlement Judge be appointed in this matter.

Respectfully submitted,

McMAHON BERGER, P.C.

/s/ Thomas O. McCarthy
Thomas O. McCarthy, #22636
2730 North Ballas Road, Suite 200
St. Louis, Missouri 63131-3039
(314) 567-7350 - Telephone
(314) 567-5968 - Facsimile
mccarthy@mcmahonberger.com

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of July, 2019, a true and correct copy of the above document was filed via electronically on the Board's website upon the following:

National Labor Relations Board
Division of Judges
1015 Half Street SE
Washington, DC 20570-0001

Leonard J. Perez, Regional Director
National Labor Relations Board, Region 14
1222 Spruce St.
Room 8.302
St. Louis, MO 63103-2829

_____/s/ Thomas O. McCarthy

I hereby further certify that I have on this 15th day of July, 2019, served a true and correct copy of the foregoing by depositing same with the United States Postal Service, first class, postage prepaid upon the following:

(b) (6), (b) (7)(C)

A large black rectangular redaction box covers the address information following the text "(b) (6), (b) (7)(C)".

_____/s/ Thomas O. McCarthy